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EXAMINER

BARQADLE, YASIN M

ART UNIT PAPER NUMBER

2153

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/038,962

Applicant(s)

RUSSELL ET AL.

Examiner

Yasin M. Barqadle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/2002</u> . | 6) <input type="checkbox"/> Other: _____  |

### **Response to Amendment**

Applicant's arguments filed on January 05, 2006 have been considered and are not deemed persuasive.

### **Response to Arguments**

In response to applicant's arguments in page 10, first paragraph that "Applicants note that Picard et al. teaches Data format conversion, such as conversion of facsimile message information to text. (Col. 11, lines 17-27). However, Picard et al. fails to teach an instruction or command syntax conversion as recited in amended claim 1." Examiner notes that Picard, in addition to converting data, discloses generating an integrated message inventory. This is done through the use of a POP session between the VMS 68 and the EMS(s) 66. The VMS 68 logs into the POP server on behalf of the subscriber (POP USER and PASS commands), queries the EMS inventory (POP LIST command) and merges it with the local inventory... To select a message for retrieval, the subscriber interface may use POP (for MUA interfaces), an HTTP GET method (for web browser interface access), or enter DTMF commands (for voice access). In any event, the VMS 68 maps the subscriber-requested message ID or URI to the EMS message ID, or to an internal message ID. If the message is on the EMS 66, the EMS 66 uses POP to retrieve the message from the VMS 68 (POP RETR <msg id>command), and outputs it to the subscriber. If the message resides on the VMS 68, it is simply retrieved and played. Data conversions, if necessary, are performed as described earlier. (Col. 13, lines 11-62). Therefore, using http Get

command for web browser interface access and DTMF commands for voice access in retrieving and outputting messages implies converting these command syntaxes.

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14 and 16-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (hereinafter "AAPA") in view of Mitchell et al US. Patent Number 6230181 (hereinafter "Mitchell") and further in view of Picard et al US. Patent Number (6233318)

As per claim 1, AAPA teaches a messaging system capable of streaming data comprising (fig. 1):

at least one host computer (host computer 110), said host computer comprising a messaging platform (messaging platform 115) upon which messaging applications are executed and a message store for storing messages received by said messaging platform (storage 130);

at least one network interface unit (fig. 1. 140) having a first interface (INT1) to the messaging platform on the host computer for communicating between said NIU and said

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messaging platform (page 2, lines 12-16 see fig. 1) and a second interface (INT2 and INT3) to a telephone network (PSTN 155 of prior fig. 1) for receiving calls from said telephone network (page 2,21-27);

Although AAPA shows substantial features of the claimed invention, AAPA does not explicitly show an embedded services processor (ESP) operatively coupled to a first and second interfaces of a network interface unit.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by AAPA, as evidenced by Mitchell US Patent Number (6230181).

In analogous art, Mitchell whose invention is about an embedded system with general purpose computing environment, disclose an embedded system for providing network communications control operatively coupled to multiple interfaces for communicating to external computer networks via network 28 (see system 10, fig. 2 and interfaces 28, 22,24-27 col. 3, lines 47 to col. 4, line 6 and col. 4, line 66 to col. 5, line 26). Giving the teaching of Mitchell, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying AAPA by including the embedded system of Mitchell in the NIU of AAPA. One ordinary skill in the art would be motivated to use such a communication access device with the integral general purpose computing platform because it provides a substantial advancement in the features and capabilities of a communication access device with improved remote access services for information that is stored in the memory of the general purpose computing platform. Mitchell further teaches the ESP comprising a processor, a memory, and an operating system (col. 4, line 6 and col. 4, line 66 to col. 5, line 26).

wherein said ESP is operable to execute a data streaming software application, said data streaming software application operating on said ESP to execute one or more instructions that allow for the communication of data and operation of functions from said computer networks with said host computer and vice versa (col. 3, lines 17 to col. 4, line 6 and col. 4, line 66 to col. 5, line 26 Mitchell).

Although AAPA and Mitchell show substantial features of the claimed invention, including using Internet browsers applications and downloading programs via LAN or WAN connections (See col. 3, lines 34-37 and col. 5, lines 9-26), they do not explicitly show a command conversion module, said command conversion module converting commands from said messaging platform to commands consistent with said external computer networks Syntax and vice Versa (col. 10, lines 29 to col. 11, line 27).

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by AAPA and Mitchell, as evidenced by Picard et al US. Patent Number (6233318).

In analogous art, Picard teaches a network interface that supports an IP protocol for communicating between an ESP and a network external to a messaging system for accessing multimedia information via the internet or intranet (fig. 6, lines 7-34) and command conversion module, said command conversion module converting commands from said messaging platform to commands consistent with said external computer networks Syntax and vice Versa (col. 10, lines 29 to col. 11, line 27 and col. 13, lines 11-62). Giving the teaching of Picard, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying AAPA and Mitchell by employing the unified messaging system of Picard. One

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ordinary skill in the art would be motivated to use such a unified messaging system with a command conversion module because it has the ability to perform data type conversions automatically, in support of transparent multi-terminal user access, or upon subscriber explicit request.

As per claim 2, Picard teaches a network interface that supports an IP protocol for communicating between an ESP and a network external to a messaging system for accessing multimedia information via the internet or intranet (fig. 6, lines 7-34).

As per claim 3, Picard teaches the invention, wherein said network interface comprises an Internet Protocol (IP) Socket Proxy (col. 14, lines 47-52).

As per claim 4, Picard teaches the invention, wherein said Internet Protocol (IP) Socket Proxy comprises a Winsock Proxy (col. 14, lines 47-52).

As per claim 5, Michell teaches the invention, wherein said operating system of said ESP comprises the Microsoft Windows NT operating system (col. 1, lines 57-62 and col. 3, lines 29-36).

As per claim 6, Picard teaches the invention, wherein said data streaming software application comprises:

a communication interface module, said communication interface facilitating the, communication of data between said messaging platform and said external computer networks (see fig. 4 and (fig. 6, lines 7-34); and

As per claim 7, Picard teaches the invention, wherein said communication interface module comprises a socket manager controlling data communication sockets used for the communication of data from external computer networks to said messaging platform and vice versa (col. 13, lines 11-40; col. 14, lines 1062 and col. 16, lines 9-45).

As per claim 8, Michell teaches the invention, wherein said communication interface module is coupled to said external computer networks via a communications network, said communications network comprising any of a fixed-wire LAN, a wireless LAN, a fixed wire WAN, a wireless WAN, an fixed wire intranet, a wireless intranet, a fixed wire extranet, wireless extranet, the Internet, and the wireless Internet (fig. 2 and interfaces 28, 22,24-27 connecting to different networks).

As per claim 9, Picard teaches the invention wherein said command conversion module cooperates with said communication interface module to communicate data to and from said messaging platform from and to said external computer networks.

As per claims 9-12, Picard as modified teaches the invention, wherein said command conversion module further comprises a messaging platform-external computer network command



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conversion module an external computer network-messaging platform, said messaging-platform-external computer network command conversion module converting commands from said messaging platform to commands consistent with said external computer networks, and said external computer network-messaging platform command conversion module converting commands from said external computer networks to commands consistent with said messaging platform (col. 10, lines 29 to col. 11, line 27. see abstract and figs 4-6 Picard).

As per claims 13 and 18, Picard teaches the invention, wherein said external computer networks comprise Web clients capable of providing commands to said NIU and displaying communicated from said NIU (fig. 4 and col. 10, lines 29 to col. 11, line 27).

As per claims 14-16 and 19, these claims have similar limitations as claim 1 above, therefore, they are rejected with the same rationale.

As per claim 17, Picard teaches the invention, wherein said communication protocol and standards realized by an IP socket manager residing on said data streaming software application to transfer data between said ESP and said external computer networks (col. 13, lines 11-40; col. 14, lines 1062 and col. 16, lines 9-45).

As per claims 20-25, these claims have similar limitations as claims 1 and 9-12 combined.

Therefore, they are rejected with the same rationale. As for the particular commands of get and put (See Picard col. 9, lines 40 to col. 10, lines 59 “the Hypertext Transfer Protocol (HTTP) is the preferred protocol since it is the one used to interface with standard web browsers. It is a

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simple request/response protocol which uses TCP/IP. Requests (called methods) are provided to get and create objects (real or synthesized data), and to do other operations in support of navigating a global, interconnected set of information. The subjects of the methods are identified by a Universal Resource Identifier (URI) or Locator (URL) which specifies the location (including the Internet name of the host where the information is stored) and the means to access the object. Responses are returned to a requester in MIME-compatible format, so the MIME content-type and content-encoding can be determined by the requester, and the object presented in the appropriate way. To actually provide the "web" of connected objects, specially-formatted text scripts or templates, using the Hypertext Markup Language (HTML), are used. These "web pages" can have embedded links to other objects (systems/hosts), as well as presentation control capabilities. The browser follows these links by using the linked object's URI to send a GET request to the host identified in the URI, when the user selects the URI. By putting links to further pages (HTML static documents, or dynamically synthesized documents) in a web page, a hierarchical organization of information can be established."

As per claims 26-28, Picard teaches the invention, wherein said data streaming software application comprises:

a data streaming service (DSS), said data streaming service manager processing and responding to commands communicated from cooperating Web clients of said external computer networks; and a data streaming DLL (DSD), said DSD cooperating with said DSS to process said Web client commands and wherein said DSD converts commands originating from said Web clients of said external computer networks into a command type capable of being processed by

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said host computer (fig. 4 col. 10, lines 29 to col. 11, line 27. see abstract and figs 4-6 Picard).

“During a typical message retrieval function, the unit 146 accesses a master control unit 148 over an internal dual channel Ethernet 149 to locate the storage location of the various types of messages stored for a subscriber and generates a web page which is transmitted to the personal computer 142 and which includes a list of the messages. The user selects a message in a conventional fashion by double clicking on a message descriptor or selecting the message and clicking on an appropriate icon such as "Play" in the display of the browser 144. The unit 146 responds by obtaining the selected message from the application-processing unit 150 that stores the message, converting the message into the proper format and transmitting it. In the case of voice messages the voice data is converted from the encoding for storage into a file in the encoding for playing used by a conventional audio application executable by the browser 144 such as the preferred ActiveMovie from Microsoft and streamed to the browser 144 where it is played as it is received. For facsimile and other text messages a tiff file is created and transmitted to the browser 144. For video messages the video data, if necessary, is converted into the avi, mpg, mpeg, cu, etc. file formats that allow the data to be streamed to the browser and displayed in a pop-up window in real-time as it arrives. That is, video as well as audio messages are played or displayed as received by the computer 142. During play back the user can perform the conventional functions of rewinding, pausing, fast-forwarding, skipping, etc. The user can also perform operations associated with saving the message, deleting it or forwarding it to others.”

(See Picard Col. 16, lines 9-45)

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As per claim 29, Picard teaches the invention, wherein said DSD communicates commands originating from said Web clients of said external networks and converted commands to said host computer and vice versa through a MultiBus (See figs. 4-6; col. 10, lines 29 to col. 11, line 27 and Col. 16, lines 9-45).

As per claim 30, Picard teaches the invention further comprising at least one thread, said one thread executing said DSS and said DLL; DSS thread manager, said DSS thread manager cooperating with said at least one threads to route any of data, commands, and operations for processing by said thread to realize data streaming services (Picard teaches process for executing application routines to realize data streaming services col. 10, lines 29 to col. 11, line 27 and Col. 16, lines 9-66).

As per claim 31, Picard teaches the invention, wherein said NIU communicates to said external computer networks through at least one TCP/IP network operating the TCP/IP communications protocol (fig. 4 see the connection between 106 and Internet 112).

### **Conclusion**

1. **ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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**MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained form the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR system. Status information for unpublished applications is available through private PAIR only. For more information about the

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PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YB

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KRISNA LIM  
PRIMARY EXAMINER